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	Application No.	Applicant(s)	
	10/063,004	FEIST ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Kevin M. Bernatz	1773	
The MAILING DATE of this communication appearable All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communication GHTS. This application is subject to	plication. If not included n will be mailed in due course. T	
1. This communication is responsive to <u>amendment filed 9/22</u>	<u>2/06</u> .		
2. The allowed claim(s) is/are <u>1-41</u> .			
3. ☐ Acknowledgment is made of a claim for foreign priority un a) ☐ All b) ☐ Some* c) ☐ None of the:			
 Certified copies of the priority documents have 			
Certified copies of the priority documents have	——————————————————————————————————————		
Copies of the certified copies of the priority do	cuments have been received in this	national stage application from	the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirement	ts
4. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			F
5. X CORRECTED DRAWINGS (as "replacement sheets") mus	t be submitted.		
(a) ☐ including changes required by the Notice of Draftspers	on's Patent Drawing Review (PTO	-948) attached	
1) ☐ hereto or 2) ☐ to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date 20060928.	s Amendment / Comment or in the C	Office action of	
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	.84(c)) should be written on the drawi he header according to 37 CFR 1.121(ngs in the front (not the back) of (d).	
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I	sit of BIOLOGICAL MATERIAL I FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the AL MATERIAL.	
Attachment(s)	_		
1. Notice of References Cited (PTO-892)	_	Patent Application (PTO-152)	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☑ Interview Summary Paper No./Mail Da		
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	8), 7. Examiner's Amendr		
Paper No./Mail Date <u>8/28/06; 8/29/06</u> 4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	ent of Reasons for Allowance	
of Biological Material	9. Dother		
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Drawings

1. The drawings filed September 18, 2006 are objected to because the bottom margin does not appear to meet the requirements of 37 CFR 1.52. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary. the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Reasons for Allowance

2. The present claims are deemed allowable over the reference Feist et al. (U.S. Patent No. 7,087,290) since the reference is commonly assigned and a terminal disclaimer has been filed to obviate any obviousness-type double patenting rejections.

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3. The present claims are deemed allowable over the references of record since the references of record fail to disclose or render obvious the combination of the claimed substrate material, thickness limitation and axial displacement.

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While the prior art of record disclose substrate comprising single phase plastic resin portions comprising poly(arylene ether) (PAE) and polystyrene (PS) [e.g. Manabu et al.], high Tg polymeric substrates possessing thickness values meeting the claimed limitations [e.g. Hirata et al.] and the desire to minimize the axial displacement of a first surface recording medium substrate [e.g. Sandstrom], the prior art teaches away from the combined limitations recited in the present claims. Specifically, while Sandstrom teaches minimizing the axial displacement, Sandstrom fails to teach or render obvious minimizing the axial displacement while continuing to utilize a substrate meeting the claimed thickness limitation (i.e. Sandstrom teaches increasing the thickness of the substrate as the means to minimize the axial displacement). Furthermore, the Examiner notes that comparative example 1 in the parent application (09/683,114) indicates that conventional polymeric substrates do not inherently possess axial displacement values meeting the claimed limitations (i.e. comparative example 1 shows a polycarbonate, high Tg polymer substrate with an axial displacement of 1.40 mm).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Bernatz whose telephone number is (571) 272-1505. The examiner can normally be reached on M-F, 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMB September 28, 2006

Kevin M. Bernatz, PhD
Primary Examiner